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JUL 22 2008

In re Application of :
Dai, et al. :
Application No. 10/770,734 : DECISION ON PETITIONS
Filed: February 3, 2004 :
Attorney Docket No. 1297 :
:

This is a decision on the petition to expunge under
37 CFR 1.59(b), filed June 27, 2008.

The petition to expunge is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** of the mailing date of this decision.

As set forth in MPEP 724.05, a petition to expunge information unintentionally submitted in an application (other than information forming part of the original disclosure) may be filed under 37 CFR 1.59(b), provided that:

- (A) the Office can effect such return prior to the issuance of any patent on the application in issue;
- (B) it is stated that the information submitted was

unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted;

- (C) the information has not otherwise been made public;
- (D) there is a commitment on the part of the petitioner to retain such information for the period of any patent with regard to which such information is submitted;
- (E) it is established to the satisfaction of the Director that the information to be returned is not material information under 37 CFR 1.56; and
- (F) the petition fee as set forth in 37 CFR 1.17(g) is included.

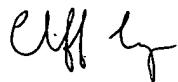
The instant petition has not satisfied item (B) above. In particular, petitioner has not stated that the failure to obtain its return would cause irreparable harm to the party who submitted the information. In addition, the petition has not satisfied items (C), (D), and (E).

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

By FAX: (571)273-8300
Attn: Office of Petitions

Telephone inquiries related to this decision should be directed to the undersigned at (571) 272-3219.



Cliff Congo
Petitions Attorney
Office of Petitions